



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

3620 W. 102nd STREET, INC.,  
Plaintiff,  
v.  
MEANNA KINTAUDI, et al.,  
Defendants.

NO. CV 14-964-UA (DUTYx)

ORDER SUMMARILY  
REMANDING IMPROPERLY  
REMOVED ACTION

The Court will summarily remand this unlawful detainer action to state court because it was improperly removed from the state court by defendant Meanna Kintaudi ("Defendant").

Specifically, on February 7, 2014, Defendant, having been sued in a routine unlawful detainer action in California state court, lodged a Notice of Removal ("Notice") of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. Further, the Court also issues this separate order remanding the action to the state court to prevent the action from remaining in jurisdictional limbo. Remand is necessary because Plaintiff could not have brought this action in federal court in the first place, and

1 Defendant does not competently allege facts supplying either diversity or  
 2 federal-question jurisdiction. Therefore, Defendant's removal is improper. 28  
 3 U.S.C. § 1441(a); see *Exxon Mobil Corp. v. Allapattah Svcs., Inc.*, 545 U.S. 546,  
 4 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of  
 5 citizenship exists, the amount in controversy does not exceed the  
 6 diversity-jurisdiction threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On  
 7 the contrary, the unlawful detainer complaint recites that the amount in  
 8 controversy does not exceed \$10,000. Plaintiff's unlawful detainer action also  
 9 fails to raise any federal legal question. See 28 U.S.C. §§ 1331, 1441(b).

10 The Court also takes judicial notice of *3620 W. 102nd Street, Inc. v.*  
 11 *Meanna Kintaudi, et al.*, Case No. 13-8823-UA-DUTYx ("*Kintaudi I*"), which was  
 12 removed to this district on November 27, 2013. See *Headwaters Inc. v. United*  
 13 *States Forest Service*, 399 F.3d 1047, 1051 n.3 (9th Cir. 2005) (taking judicial  
 14 notice of docket in another case). In *Kintaudi I*, Defendant lodged a similar notice  
 15 of removal based on the same property and the same unlawful detainer complaint  
 16 filed in Los Angeles County Superior Court. Compare *Kintaudi I*, Dkt. No. 2-1 at  
 17 5-7 with Notice, Ex. A. On December 13, 2013, the Court remanded the action to  
 18 Los Angeles County Superior Court for lack of subject-matter jurisdiction.  
 19 *Kintaudi I*, Dkt. No. 4.

20 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
 21 Superior Court of California, Los Angeles County, 1725 Main Street, Santa  
 22 Monica, CA 90401 for lack of subject-matter jurisdiction pursuant to 28 U.S.C.  
 23 § 1447(c); and (2) the Clerk send a certified copy of this Order to the state court.

24  
 25 DATED: 2/27/14

  
 GEORGE H. KING  
 United States District Judge